



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of

KURAHASHI et al

Atty. Ref.: 1883-36

Serial No. 09/607,965

Group: 2811

Filed: June 30, 2000

Examiner: unknown

For: SEMICONDUCTOR LIGHT EMITTING ELEMENT

* * * * *

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**REQUEST TO RESCIND NOTICE OF
ABANDONMENT AND CONTINGENT PETITION**

It is respectfully requested that the Notice of Abandonment mailed August 5, 2002 be rescinded in the captioned application for the following reasons.

STATEMENT OF FACTS

The Notice to File Missing Parts was mailed for the captioned application on August 21, 2000. On August 30, 2000, the undersigned filed the executed Declaration with a transmittal and a copy of the Notice to File Missing Parts. A copy of the August 30, 2000 transmittal, executed Declaration and Notice to File Missing Parts and post card receipt evidencing filing of the same are attached as Exhibit 1.

Unfortunately, the caption of the undersigned's August 30, 2000 transmittal inadvertently employed an incorrect serial number -- Serial No. 09/607,065 rather than Serial No. 09/607,965. The undersigned's office was telephonically advised of the failure to submit the missing parts on May 30, 2002, but in a subsequent submission essentially inadvertently propagated the same typographical error in the serial number. A Notice of Abandonment was mailed on August 5, 2002.

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OFFICE OF PETITIONS

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AUG 22 2002
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Since the undersigned did timely file the Declaration (which bore the correct lead inventor's name and correct filing date, as well as title of the invention) and did attach a copy of the Notice to File Missing Parts which bore the correct serial number, the correct lead inventor's name and correct filing date, it is requested that the US Patent Office kindly withdraw the notice of abandonment.

Alternatively, Applicant respectfully petitions that the captioned application be revived in accordance with the provisions of 37 CFR §1.137(b). In this regard, the undersigned also submits the required missing parts along with a correct transmittal and the petition fee of 37 CFR §1.17(m). Since a check in the amount of \$860.00 for the missing parts fee was submitted on in connection with the original submission on August 30, 2000 and that check has already been cashed by the U.S. Patent Office (as evidenced by the attached copy of the canceled check) no other missing parts fees are deemed necessary. The undersigned further declares that the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition was unintentional. In fact, the undersigned thought that the Declaration had been filed.

RELIEF REQUESTED

It is respectfully requested that captioned application be revived and reinstated as a pending application in accordance with the provisions of 37 CFR §1.137(b).

SUBMISSION OF PETITION FEE


The petition fee of 37 CFR §1.17(m) is submitted herewith. Should the fee be missing or the amount thereof insufficient, the Commissioner is authorized to charge the undersigned's deposit account No. 14-1140 in whatever amount is necessary for consideration of this Petition and the missing parts.

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The requirements of 37 CFR §1.137(b) having been fully satisfied, granting of this
Petition is earnestly requested.

Respectfully submitted,
NIXON & VANDERHYE P.C.

August 19, 2002

By: 
H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsh
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100